

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LARRY LLOYD,

Plaintiff,

v.

MARK RUFENER, et al.,

Defendant.

CASE NO. C17-5627 BHS

ORDER DENYING PLAINTIFF'S  
MOTION AND ADOPTING  
REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 117, Plaintiff Larry Lloyd's ("Lloyd") motion for a courtesy copy of his second amended complaint, Dkt. 127, and Lloyd's objections to the R&R, Dkt. 130.

On April 15, 2020, Judge Fricke issued the R&R recommending that the Court grant Lloyd's motion to file an overlength brief, deny Defendants' request to strike Lloyd's response as untimely, and grant Defendants' motion to dismiss. Dkt. 117. On June 23, 2020, Lloyd filed a motion for a courtesy copy of his second amended

1 complaint. Dkt. 127. On June 24, 2020, the Court granted Lloyd's motion for an  
2 extension of time and renoted the R&R. Dkt. 130. On July 17, 2020, Lloyd filed new  
3 objections. Dkt. 130. On August 5, 2020, Defendants responded. Dkt. 131. On August  
4 7, 2020, Lloyd replied. Dkt. 132.

5 Regarding Lloyd's motion, he fails to explain why he needs a courtesy copy of his  
6 second amended complaint, which is an accessible document on the electronic docket.  
7 Thus, the Court denies the motion.

8 Regarding Lloyd's objections, the district judge must determine de novo any part  
9 of the magistrate judge's disposition that has been properly objected to. The district judge  
10 may accept, reject, or modify the recommended disposition; receive further evidence; or  
11 return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

12 In this case, Lloyd fails to establish any error in the R&R. His overlength  
13 objections merely reiterate the allegations in his complaint and his disagreement with  
14 Judge Fricke's conclusion that he fails to state a claim. The Court agrees with the R&R  
15 that Lloyd fails to provide sufficient allegations to establish a claim for either a violation  
16 of his due process rights as a pretrial detainee or a violation of the Americans with  
17 Disabilities Act. Therefore, the Court having considered the R&R, Lloyd's objections,  
18 and the remaining record, does hereby find and order as follows:

- 19 (1) Lloyd's motion for a courtesy copy, Dkt. 127, is **DENIED**;
- 20 (2) The R&R is **ADOPTED**;
- 21 (3) Defendants' motion to dismiss is **GRANTED**;
- 22 (4) Lloyd's *in forma pauperis* status shall continue for purposes of appeal; and

1 (5) The Clerk shall enter a JUDGMENT and close the case.

2 Dated this 18th day of September, 2020.

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5 BENJAMIN H. SETTLE  
6 United States District Judge  
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